REMARKS

By this Amendment, claims 38, 46, 47, 51, and 54 are amended, and claims 58-61 are newly added. Consequently, claims 38-61 are pending in this application.

Applicant wishes to take this opportunity to thank the Examiner for the courtesy extended to Applicant during a personal interview held on June 14, 2006. During the interview, various rejections outstanding in the Office Action dated February 21, 2006 were discussed. The following remarks reflect the subject matter discussed during the interview.

In the Office Action, the Examiner rejected all of the pending claims under 35 U.S.C. § 102(b) or 103(a) based on U.S. patent No. 4,590,766 to Striebich alone or in combination with U.S. Patent No. 5,327,987 to Abdelmalek. Although Applicant does not necessarily agree with this rejection, as suggested by the Examiner during the interview, Applicant amended each of independent claims 38, 51, and 54 to more clearly distinguish the claimed subject matter over the cited references. For example, claim 38 has been amended to recite "a control system configured to control the clutch system to selective couple the drive shaft to the torque bearing element," and claim 51 has been amended to recite "an expander wheel housed in a housing and comprising a drive shaft and a plurality of blades" and "a condensation chamber positioned inside the housing." Similarly, claim 54 has been amended to recite "controlling the selective coupling of the drive shaft and the torque bearing element with a control system." As discussed during the interview, none of the cited references disclose or otherwise suggests these features of claims 38, 51, and 54.

The Examiner also rejected claims 37-57 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,374,613 ("Patent I") or U.S. Patent No. 6,729,137 ("Patent II"), because these patents allegedly anticipates the

claimed subject matter of this application. Applicant respectfully submits that this rejection is improper and should be withdrawn.

A rejection under the doctrine of obviousness-type double patenting is appropriate only when a claim in an application is not patentably distinct (i.e., merely an obvious variation) from the subject matter claimed in a commonly owned patent. See M.P.E.P. § 804.

In this case, the double patenting rejection is improper because the claims in this application define a subject matter that is patentably distinct from the invention defined in claims of the above-mentioned patents. For example, the claims of Patent I define a miniaturized waste heat engine and related method for recovering waste energy from a heat source and converting the waste energy into usueable energy. Similarly, the claims of Patent II define a energy converting system and related method for converting heat energy from a heat source. Patentably distinct from the inventions defined in Patents I and II, the claims of the present application define an auxiliary power unit and related method for coupling to a torque bearing element of a primary power unit. Since the subject matter claimed in the present application is patentably distinct from the inventions defined in Patents I and II, this double patenting rejection is improper. For at least this reason, the rejection of claims 37-57 under the doctrine of obviousness-type double patenting should be withdrawn.

In view of the foregoing amendments and remarks, Applicant respectfully submits that all of the pending claims are in condition for allowance.

Respectfully submitted,

Dated: June 30, 2006

By: _____
Claudio Filippone